

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>APR 23 2014</u>
Returned to applicant for correction	<u>APR 29 2014</u>
Corrected application filed	<u>MAY 07 2014</u>
Map filed	<u>May 10 2011 under 80700</u>

The applicant National Fish and Wildlife Foundation
1133 Fifteenth Street NW, Suite 1100 of Washington
Street Address or PO Box City or Town
District of Columbia 20005
State and ZIP Code

hereby make(s) application for permission to change the

☐ Point of diversion

☒ Place of use

☒ Manner of use

Not a portion of a portion SNC

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Claim No. 145 of the Walker River Decree, granted and adjudicated to defendant, A. B. Silva, Successor to Pacific Livestock Company, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "The United States of America, Plaintiff, vs Walker River Irrigation District, et. al., Defendants, in Equity Docket C-125"

1. The source of water is Walker River and its Tributaries
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 3.3 cubic feet per second (Refer to Attachment "A," Item 2)
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Wildlife Purposes in accordance with NRS Chapter 533
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
4. The water heretofore used for Purposes as Decreed
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

Water administered for non-diversion within the SE1/4 NW1/4 Section 2, T.13N., R.25E., M.D.M., or at a point from which the West 1/4 corner of said Section 2 bears South 83°43' West, a distance of 1,708.6 feet (Weir Diversion Structure). Refer to map filed in support of Application. No. 80700.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

The point of diversion, referred to hereinafter as the point of non-diversion, will not be changed.

RECEIVED
 MAY 17 2014
 STATE ENGINEER'S OFFICE

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated)

Water under this application will remain within the Walker River from the Weir Diversion Structure, through USGS Wabuska Gauge, then through Weber Reservoir into and including Walker Lake. Refer to map filed in support of Application No. 80700. Refer to Attachment "A," Item 7 for proposed place of use.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Refer to Attachment "A," Item 8 for existing place of use. Refer to map filed in support of this application.

40.0000

9. Proposed use will be from As Decreed to As Decreed of each year.
Month and Day Month and Day

10. Existing use permitted from As Decreed to As Decreed of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

No additional works proposed.

12. Estimated cost of works None - No additional works proposed.

13. Estimated time required to construct works None - No additional works proposed.

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Ten (10) Yrs to serve all priorities

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary); (Failure to provide a detailed description may cause a delay in processing.)

Refer to Attachment "A," Item 15 for additional information.

16. Miscellaneous remarks:

cfacque@farrwestengineering.com

E-mail Address

775-853-7268

Phone No.

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Chris N. Facque

Type or print name clearly

[Signature]

Signature, applicant or agent

Farr West Engineering

Company Name

5442 Longley Lane, Suite 1

Street Address or PO Box

Reno, Nevada 89511

City, State, ZIP Code

AMENDED

Attachment "A"

Page 1 of 6

Application No.

83771

Applicant: National Fish and Wildlife Foundation

Item No. 2 - The Amount of Water to be Changed:

All of Walker River Decree C-125 Claim No. 145, granted and adjudicated to A. B. Silva, Successor to Pacific Livestock Company

Priority, Acreage and Flow

Claim	Priority	C.F.S.	Acres
145	1864	0.152	13
145	1865	0.061	5
145	1870	0.232	19
145	1875	0.477	40
145	1880	0.640	53
145	1885	0.407	34
145	1890	0.284	24
145	1895	0.190	16
145	1900	0.367	31
145	1905	0.490	41
Total		3.30	276.00

Reference flow and acreage under Walker River Irrigation District Ledger Card Nos. 52515 and 52516.

RECEIVED
2011-11-17
NATIONAL FISH AND WILDLIFE FOUNDATION

AMENDED

Attachment "A"

Page 2 of 6

Application No.

83771

Applicant: National Fish and Wildlife Foundation

Item No. 7 - Proposed Place of Use:

The proposed place of use is within the Walker River from the Weir Diversion Structure, through USGS Wabuska Guage, then through Weber Reservoir into and including Walker Lake, all within portions of the following Sections, Townships and Ranges:

Section(s)	Township - North	Range - East	Unsurveyed?
2	13	25	

36 & 35 25 & 24 13 & 12 1	14	25	
------------------------------------	----	----	--

18 7 & 6	14	26	
-------------	----	----	--

36	15	25	
----	----	----	--

31 & 30 25 thru 19 16 thru 14	15	26	
-------------------------------------	----	----	--

33 thru 29	15	27	
------------	----	----	--

13 thru 11 5 thru 2	14	27	
------------------------	----	----	--

33 29 & 28 21 thru 18	14	28	
-----------------------------	----	----	--

36 26 & 25 23 15 & 14 10 & 9 5 & 4	13	28	
---	----	----	--

2014 JUN 11 10:00 AM
THE ENGINEERING OFFICE
1425 N. 10TH ST.
SPOKANE, ID 83201

AMENDED

Attachment "A"

Page 3 of 6

Application No.

83771

Applicant: National Fish and Wildlife Foundation

Section(s)	Township - North	Range - East	Unsurveyed?
36 25 & 24 1	12	28	Portions Unserved

34 thru 26 23 thru 18 8 thru 6	12	29	Portions Unserved
--------------------------------------	----	----	-------------------

35 thru 32 28 thru 26 22 thru 20 17 thru 15 9 thru 5	11	29	Portions Unserved
--	----	----	-------------------

31	10 1/2	30	Portions Unserved
----	--------	----	-------------------

36 thru 32 29 thru 20 17 thru 8 5 thru 1	10	29	Portions Unserved
---	----	----	-------------------

32 thru 29 20 thru 17 8 thru 5	10	30	Portions Unserved
--------------------------------------	----	----	-------------------

36 & 35 27 thru 21 16 thru 8 5 thru 1	9	29	Portions Unserved
--	---	----	-------------------

35 thru 26 22 thru 16 8 thru 5	9	30	Portions Unserved
--------------------------------------	---	----	-------------------

12 2 & 1	8	29	Portions Unserved
-------------	---	----	-------------------

9 thru 3	8	30	Portions Unserved
----------	---	----	-------------------

Refer to map filed in support of Application No. 80700.

2014 MAY -7 PM 00:11
CLARK COUNTY REC'D
CLARK COUNTY REC'D

AMENDED

Attachment "A"

Page 4 of 6

Application No.

83771

Applicant: National Fish and Wildlife Foundation

Item No. 8 - Existing Place of Use:

Walker River Decree Claim No. 145

Walker River Irrigation District Ledger Card Nos. 52515 and 52516

Portion of Lyon County Assessor's Parcel Nos. 14-321-01 and 14-321-21

Decreed Owner: A.B. Silva, Successor to Pacific Livestock Company (Page 42)

Existing Place of Use

APN	Claim	Qtr Qtr	Qtr	Section	Township	Range	Acres
14-321-01	145	SW	NW	19	14N	26E	32.64
14-321-01	145	NE	NW	19	14N	26E	35.11
14-321-01	145	SE	NW	19	14N	26E	34.83
14-321-01	145	NW	SW	19	14N	26E	18.17
14-321-01	145	NE	SW	19	14N	26E	17.25
14-321-21	145	NW	SW	19	14N	26E	9.11
14-321-21	145	NE	SW	19	14N	26E	10.60
14-321-21	145	SW	SW	19	14N	26E	22.52
14-321-21	145	SE	SW	19	14N	26E	33.96
14-321-21	145	NW	NW	30	14N	26E	28.87
14-321-21	145	SW	NW	30	14N	26E	32.94
TTL Acs							276.00

Refer to map filed in support of this application.

RECEIVED
NATIONAL FISH AND WILDLIFE FOUNDATION
APR 17 2013
SANTA FE, NEW MEXICO

AMENDED

Attachment "A"

Page 5 of 6

Application No.

83771

Applicant: National Fish and Wildlife Foundation

Item No. 15 - Detailed description of project:

Applicant seeks administration of the changed water right at the point of non-diversion subject to the continuing jurisdiction and regulation by the Nevada State Engineer, the United States Board of Water Commissioners, and the Walker Decree Court as follows:

1. The full decreed flow rate whenever such rights are fully in priority (see Table 1);

Table 1: Full Decreed Flow Rate (in CFS) by Priority (administered at Point of Diversion)

Claim	Priority	Acres	C.F.S.	Walker River Decree C-125 Claim No. 145, granted and adjudicated to A. B. Silva, Successor to Pacific Livestock Company
145	1864	13	0.152	
145	1865	5	0.061	
145	1870	19	0.232	
145	1875	40	0.477	
145	1880	53	0.640	
145	1885	34	0.407	
145	1890	24	0.284	
145	1895	16	0.190	
145	1900	31	0.367	
145	1905	41	0.490	
Total		276.00	3.300	

2. The consumptive use portion (determined to be 3.10 acre-feet per acre as set forth in the Evapotranspiration and Net Irrigation Water Requirements for Nevada (NIWR) for the net irrigation water requirement for alfalfa in Mason Valley) to be protected from diversion by others from the point non-diversion through USGS Wabuska Gauge, then through Weber Reservoir into and including Walker Lake (see Table 2); and

RECEIVED
NATIONAL FISH AND WILDLIFE FOUNDATION
JAN 17 2017
WATER RIGHTS DIVISION
NATIONAL FISH AND WILDLIFE FOUNDATION

Item No. 15 - Detailed description of project (continued):

Table 2: Consumptive Use Flow Rate (in CFS) by Priority (administered at the Wabuska Gage)

Claim	Priority	Acres	Consumptive Use Portion	
			DUTY in AF @ 3.1	C.F.S.
145	1864	13	40.300	0.083
145	1865	5	15.500	0.032
145	1870	19	58.900	0.121
145	1875	40	124.000	0.255
145	1880	53	164.300	0.338
145	1885	34	105.400	0.217
145	1890	24	74.400	0.153
145	1895	16	49.600	0.102
145	1900	31	96.100	0.198
145	1905	41	127.100	0.262
Total		276.00	855.600	1.761

3. The non-consumptive portion at the Chief Deputy Water Commissioner's discretion including to avoid conflict with and injury to other existing water rights and to mitigate hydrologic system losses at and downstream of the point of non diversion upstream of the USGS Wabuska Gage.

Applicant proposes to manage the conveyance of water from the USGS Wabuska Gauge to Walker Lake consistent with the Lower Walker River Conveyance Protocols agreed to by the Walker River Paiute Tribe, U.S. Bureau of Indian Affairs and National Fish and Wildlife Foundation and the findings of NSE Ruling 6271 related thereto.

Applicant further proposes to ensure payment of operation and maintenance charges, including ditch charges, that are properly assessed and come due as if the water rights were still appurtenant to the agricultural lands from which they are changed.

RECEIVED
NATIONAL FISH AND WILDLIFE FOUNDATION
WASHINGTON, D.C.
JAN 11 2011